

Double Patenting

Claims 17-20, 23, and 25-36 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 16-37 of copending application SN 10/519,667. Applicants respectfully traverse the rejection.

The office had the merely conclusory statement without appropriate analysis. Upon indication of respective allowable subject matter, a terminal disclaimer will be considered.

Claim Rejections-35 U.S.C. 112

Claims 17-20, 23, and 25-36 were rejected under 35 U.S.C. 112(2). Applicants respectfully traverse the rejection.

The Office made a number of general assertions that the claims were “indefinite in scope because of the broad and generalized terminology used in conjunction with reference characters which are not considered to be substantive claim limitations.” However the claims are clearly not insolubly ambiguous.

The office questioned terms: different subassemblies; casing parts; mounted part; and output stage. Clearly the terms “subassembly” and “different” and their combination is subject to common and ordinary usage. A transmission is an assembly; it can be made from subassemblies; various of the subassemblies can be different from each other (e.g., in layout of an epicyclic stage, in mounting features, or the like). Transmissions have housings/cases/casings. These too can be assembled from a plurality of parts (casing parts). For further clarification, the mounted part is now references as planetary subassembly (see FIGs 3a-4) in claim 17. Output and output stage are similarly clear when applied to a transmission.

Claim 17 has similarly been amended to reference the planet wheel carrier for which support is found at paragraph 0059.

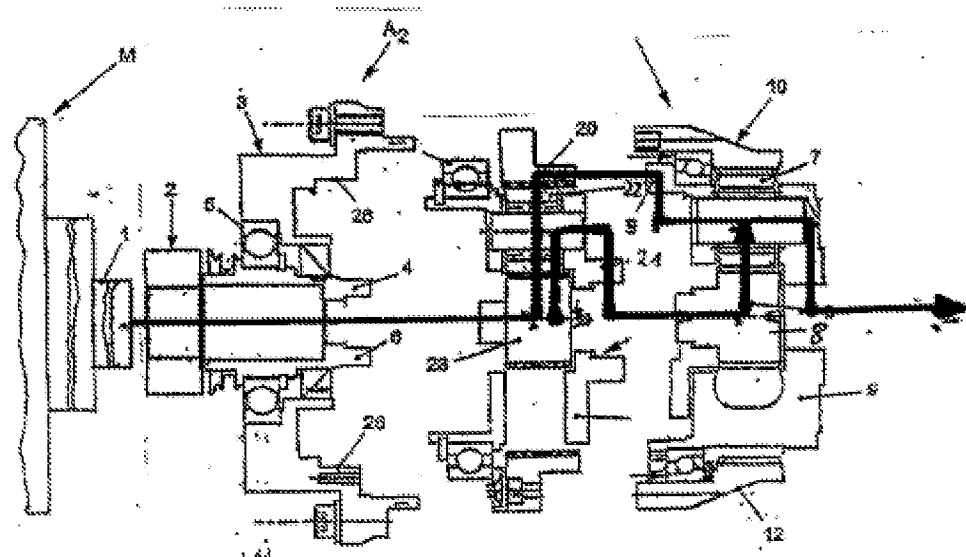
In claim 34, the reference to planetary stages is added, as is a reference to the kinematics being different from each other (see below).

Claim Rejections-35 U.S.C. 102

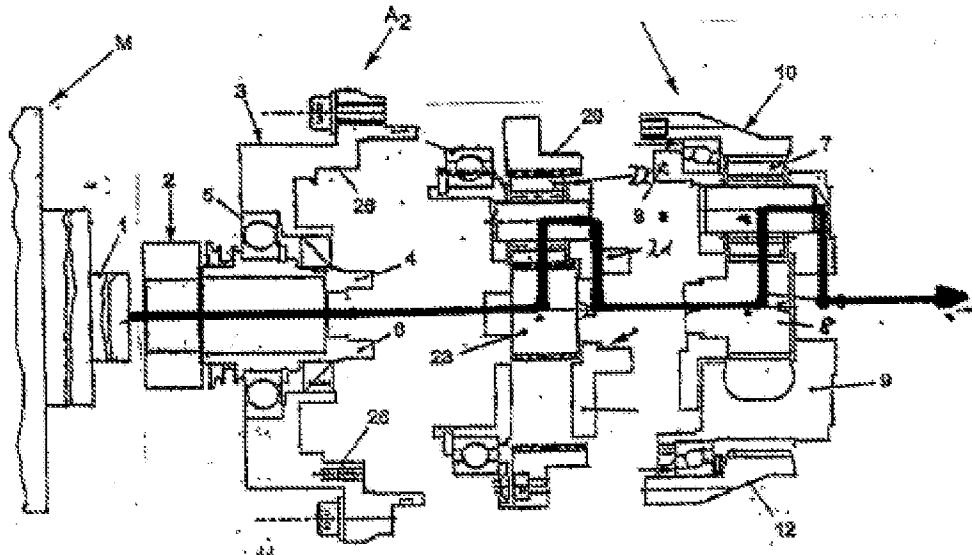
Claims 17-20, 23, and 25-36 were rejected under 35 U.S.C. 102(b) as being anticipated by Siebenhaar (DE2649949). Applicants respectfully traverse the rejection.

Applicant had requested that the Office provide a translation of Siebenhaar and appropriate explanation of how it involved different kinematic regimes. The Office provided only a machine translation of Siebenhaar. Applicant requests a formal translation.

The Office further merely asserted that Siebenhaar has “a plurality of different subassemblies, inherently having some form of kinematics, comprising different mounting means for assembling certain subassemblies (figure A)... Siebenhaar teaches that the several subassemblies can be assembled in a modular manner such that it anticipates the claims (figure A).” The Office has pointed to nothing in Siebenhaar or the translation that would evidence differing kinematics. The cited drawing of Siebenhaar does not evidence differing kinematics. It is not clear what components are shared between the seven exploded views. However, for example for each of the two transmissions of a given number of stages, kinematics appears the same, only size differing (expressly contrary to present claims 35 and 36). Present FIGS. 1a and 1b, clearly show how different kinematics can be achieved. As further clarification, the following sketches provided by Applicant’s European Patent Attorney show, less schematically than FIG. 1b., the different load paths of two different kinematics:



*Ring wheel 20 is fixed to the planet wheel carrier 3 of Hab
= TP - Kinematic (page 14, last paragraph)*



Pinwheel 20 is fixed to the casting part 3 of R₂
= SP - Kinematic (page 15, first paragraph)

Accordingly, Applicants submit that claims 17-36 are in condition for allowance.

Reconsideration and further examination are requested. Please charge any fees or deficiency or credit any overpayment to our Deposit Account of record.

Respectfully submitted,

By /William B. Slate, #37238/
William B. Slate
Attorney for Applicants
Reg. No.: 37,238

Telephone: 203-777-6628
Telefax: 203-865-0297

Date: 6/23/2009